# BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

KATHLEEN BUCKLEY	)
Claimant	)
VS.	
	) Docket No. 251,616
HARLOW AIRCRAFT MANUFACTURING	
Respondent	)
AND	)
	)
UNITED PACIFIC INSURANCE COMPANY	)
Insurance Carrier	)

## ORDER

Claimant appeals the September 18, 2001, Award of Administrative Law Judge John D. Clark. Claimant was awarded a 27 percent disability to the left upper extremity for the injuries suffered on February 5, 1999. Claimant was denied additional compensation for the right upper extremity after the Administrative Law Judge found claimant had not proven a connection between her right upper extremity arthritis problems and the original injury with respondent. The Appeals Board held oral argument on March 12, 2002.

## **APPEARANCES**

Claimant appeared by her attorney, Phillip B. Slape of Wichita, Kansas. Respondent and its insurance carrier appeared by their attorney, Frederick L. Haag of Wichita, Kansas.

### RECORD AND STIPULATIONS

The Appeals Board has considered the record and adopts the stipulations contained in the Award of the Administrative Law Judge.

#### ISSUES

What is the nature and extent of claimant's injury and/or disability?

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the entire evidentiary record contained here, the Appeals Board finds the Award of the Administrative Law Judge should be affirmed.

The Award sets out findings of fact and conclusions of law in some detail, and it is not necessary to repeat those herein. The Appeals Board adopts those findings and conclusions as its own.

The Appeals Board finds the opinion of Tyrone D. Artz, M.D., to be persuasive. Dr. Artz is adamant that claimant's arthritic condition in her right thumb is not related to her employment with respondent. The fact that claimant's symptoms did not arise until thirteen months after claimant's termination of employment supports Dr. Artz's position.

Additionally, Pedro A. Murati, M.D., while he attempts to create a connection between the injuries to the left and right upper extremities, was asked his opinion in terms of what is "possible". Dr. Murati does not state within a reasonable degree of medical probability that the right upper extremity problems were caused or contributed to by overuse resulting from the injuries to the left upper extremity.

## <u>AWARD</u>

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge John D. Clark dated September 18, 2001, should be, and is hereby, affirmed.

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Dated this day of Ma	arch 2002.
	BOARD MEMBER
	BOARD MEMBER
	BOARD MEMBER

c: Phillip B. Slape, Attorney for Claimant Frederick L. Haag, Attorney for Respondent John D. Clark, Administrative Law Judge Philip S. Harness, Director

IT IS SO ORDERED